REMARKS

Applicant and Applicant's attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on January 12, 2005. The amendments and arguments presented in this paper are consistent with the proposed amendments and arguments discussed during the Interview. Claims 1-44 are pending, of which claims 1 and 15 are independent method claims and claims 29 and 37 are corresponding independent computer program product claims. As indicated above, claims 1, 14, 15, 28, 29, 36, 37, and 44 have been amended.[1]

The Office Action rejected the pending independent claims (1, 15, 29, and 37) under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,775,772 to Binding et al. (*"Binding"*); and rejected the remaining dependent claims as either anticipated under 35 U.S.C. § 102(e) by *Binding* or as unpatentable under 35 U.S.C. § 103(a) over *Binding* in view of U.S. Patent No. 6,820,063 to England et al. (*"England"*).[2]

Applicants' invention, as claimed for example in independent method claim 1, relates to pre-licensing content subject to rights management in order to allow a principal access to the content when the principal does not have access to a rights management server. The method includes: receiving, by the message server, a message which is subject to rights management in that access to at least a part of the message is controlled through a rights management server, the rights management server issuing one or more user licenses that allow one or more principals to access the at least part of the message subject to rights management; receiving, by the message server, a publishing license, containing a rights expression specifying one or more intended recipients for the at least part of the message subject to rights management and one or more rights for each of the one or more intended recipients, for use in identifying the at least part of the message subject to rights management to the rights management server; requesting, by the message server on behalf of one or more principals, at least one use license for allowing the one or more principals access to the message, wherein the request includes the publishing license to identify the at least part of the message subject to rights management to the rights management

---

[1] Support for the amendments to the claims can be found throughout the Specification, and particularly in connection with Figures 3a-3d.

[2] Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to do so in the future. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status or asserted teachings of the cited art.

server; and receiving, by the message server on behalf of the one or more principals, the at least one use license so that the one or more principals may obtain the at least one use license from the message server and access the at least part of the message subject to rights management without having to request the at least one use license from the rights management server. Independent claim 29 recites similar limitations from the perspective of a computer program product.

Applicants' invention, as claimed for example in independent method claim 15, also relates to pre-licensing content subject to rights management in order to allow a principal access to the content when the principal does not have access to a rights management server. The method includes: determining a received message is subject to rights management in that access to at least a part of the message is controlled through a rights management server, the rights management server issuing one or more user licenses that allow one or more principals to access the at least part of the message subject to rights management; using a received publishing license, containing a rights expression specifying one or more intended recipients for the at least part of the message subject to rights management and one or more rights for each of the one or more intended recipients, for identifying the at least part of the message subject to rights management to the rights management server; obtaining, by the message server on behalf of one or more principals, at least one use license so that the one or more principals can obtain the at least one use license from the message server and access to the at least part of the message subject to rights management without the one or more principals having to request the at least one use license from the rights management server. Independent claim 37 recites similar limitations from the perspective of a computer program product.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131. That is, "for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly." MPEP § 706.02. Applicants also note that "[i]n determining that quantum of prior art disclosure which is necessary to declare an applicant's invention 'not novel' or 'anticipated' within section 102, the stated test is whether a reference contains an 'enabling disclosure.'" MPEP § 2121.01. In other words, a cited reference must be enabled with respect to each claim limitation.

Binding discloses piggy-backing a key exchange onto other already-required messages to minimize the overhead associated with setting up a secure browser-to-server connection.

Abstract. In one embodiment, the client and server do not have a common message encoding scheme, but share an encoding scheme with a trusted third party (TTP). Col. 14, ll. 53-56. When the server receives security parameters that it is unable to decrypt, the server sends the security parameters to the TTP to be decrypted and returned. Col. 15, ll. 26-55.

Among other things, however, *Binding* fails to teach, suggest, or enable, receiving, by the message server, a message which is subject to rights management in that access to at least a part of the message is controlled through a rights management server, the rights management server issuing one or more user licenses that allow one or more principals to access the at least part of the message subject to rights management; receiving, by the message server, a publishing license, containing a rights expression specifying one or more intended recipients for the at least part of the message subject to rights management and one or more rights for each of the one or more intended recipients, for use in identifying the at least part of the message subject to rights management to the rights management server; requesting, by the message server on behalf of one or more principals, at least one use license for allowing the one or more principals access to the message, wherein the request includes the publishing license to identify the at least part of the message subject to rights management to the rights management server; and receiving, by the message server on behalf of the one or more principals, the at least one use license so that the one or more principals may obtain the at least one use license from the message server and access the at least part of the message subject to rights management without having to request the at least one use license from the rights management server, as recited in independent claims 1 and 29.

Binding also fails to teach, suggest, or enable, among other things, determining a received message is subject to rights management in that access to at least a part of the message is controlled through a rights management server, the rights management server issuing one or more user licenses that allow one or more principals to access the at least part of the message subject to rights management; using a received publishing license, containing a rights expression specifying one or more intended recipients for the at least part of the message subject to rights management and one or more rights for each of the one or more intended recipients, for identifying the at least part of the message subject to rights management to the rights management server; obtaining, by the message server on behalf of one or more principals, at least one use license so that the one or more principals can obtain the at least one use license

from the message server and access to the at least part of the message subject to rights management without the one or more principals having to request the at least one use license from the rights management server, as recited in independent claims 15 and 37.
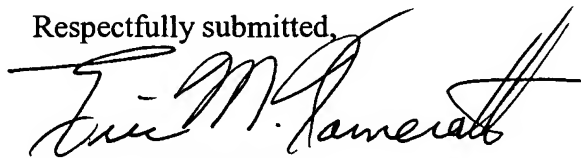
The Examiner seemed to concur with this analysis during the Interview and noted in the Interview Summary that the proposed amendments to the independent claims appear to distinguish over the prior art of record (*Binding*) and that upon receiving a formal response the Examiner would give further consideration and update the search if necessary.

Based on at least the foregoing reasons, therefore, Applicants respectfully submit that the cited art fails to anticipate or make obvious Applicants' invention, as claimed, for example, in independent claims 1, 15, 29, and 37. Applicants note for the record that the other rejections and assertions of record with respect to the independent and dependent claims are now moot, and therefore need not be addressed individually. Accordingly, Applicants do not acquiesce to any assertions in the Office Action that are not specifically addressed above, and hereby reserve the right to challenge those assertions in the future, including any official notice taken by the Examiner, if necessary or desired.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 10th day of March, 2005.

Respectfully submitted,

RICK D. NYDEGGER
Registration No. 26,085
ERIC M. KAMERATH
Registration No. 46,081
Attorney for Applicant
Customer No. 47973

EMK:ahm
AHM0000000120V001